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EXAMINER	
JANKUS, A	
ART UNIT	PAPER NUMBER
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Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

See Attached

UNITED STATES PATENT AND TRADEMARK OFFICE

EXAMINER'S RESPONSE TO ORDER REMANDING TO THE EXAMINER

Ex parte ROBERT A. FABBIO,
ANNE G. LEONARD,
and CONRAD W. SCHNEIKER

Appeal No. 94-1648

Application 07/352,530

BEFORE BARRETT, FLEMING, and LEE, Administrative Patent Judges.

BARRETT, Administrative Patent Judge.

The rejections of **claim 27** have been reconsidered by the examiner in view of the Examination Guidelines for Claims Reciting a Means or Step Plus Function Limitation In Accordance With 35 U.S.C. § 112, 6th Paragraph, and Examination Guidelines for Computer-Related Inventions.

OBJECTION WITHDRAWN

The **objection to the specification under 35 U.S.C. § 112 first Paragraph**, as failing to adequately teach how to make and/or use the invention, i.e., failing to provide an enabling disclosure is hereby **withdrawn**. This objection can be found at the EXAMINER'S ANSWER, page 15, paragraph (10)(B).

REJECTIONS WITHDRAWN

The following rejections, with respect to **claim 27**, are hereby **withdrawn**:

35 U.S.C. § 101 directed to non-statutory subject matter, which rejection can be found at the EXAMINER'S ANSWER, page 4, paragraph (9);

35 U.S.C. § 101 as being directed to non-statutory subject matter by analogy to the printed matter exception, which rejection can be found at the EXAMINER'S ANSWER, page 11, paragraph (10)(A);

35 U.S.C. § 112 first Paragraph for the reasons set forth in the objection of the specification, which rejection can be found at the EXAMINER'S ANSWER, page 15, paragraph (10)(B);


35 U.S.C. § 112 second Paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which appellants regard as the invention, which rejection can be found at the EXAMINER'S ANSWER, page 16, paragraph (10)(C);

35 U.S.C. § 103 as being unpatentable over the well-known data processing technique of storing a "computer program" on storage media for later use by a computer, which rejection can be found at the EXAMINER'S ANSWER, page 17, paragraph (10)(D).

REJECTIONS MAINTAINED

Claims 1-27 stand rejected under 35 U.S.C. § 103 as being unpatentable over Beck et al. for the reasons stated at the EXAMINER'S ANSWER page 4, paragraph (9).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Almis Jankus whose telephone number is (703) 305-9795. The examiner can normally be reached on M-F from 9 to 5.



**ALMIS R. JANKUS
PRIMARY EXAMINER**

AJ

July 25, 1999